

## **DRAFT MFHR REVIEW ORGANIZATION APPLICATION**

### **PILOT PROGRAM BACKGROUND**

Through the ENERGY STAR Multifamily High Rise (MFHR) program, units in mid and high rise multifamily buildings can be certified to earn the ENERGY STAR. To earn the label, all applicable ENERGY STAR program requirements in the building must be verified to show compliance.

Currently, this process involves the submission of specific program specific documentation to EPA (or its designated agent) for review. These submittals, which must first be validated by a Licensed Professional, (i.e., a Registered Architect or Professional Engineer,) are used to demonstrate that the program's requirements have been met, that all mandatory measures are included, and that each energy conservation measure is installed to specification.

EPA is piloting an approach to transition this verification process to the private marketplace, consistent with how homes/units in other parts of the residential sector are certified. To accomplish this, EPA will recognize select organizations (referred to as MFHR Review Organizations or MROs) to provide independent, third-party review and oversight of MFHR project submittals to determine whether the project has earned ENERGY STAR certification. Once EPA phases out its internal review option, all projects will be required to be reviewed and approved by a recognized MRO. The person responsible for sending the documentation to the MRO, for the purposes of this document, will be referred to as the Submitter.

The MROs' designated roles and responsibilities were developed based on the requirements of similar oversight models that have been implemented in the ENERGY STAR program for single-family/low-rise multifamily homes (i.e., Verification Oversight Organizations and HVAC Quality Installation Oversight Organizations) and have been adapted for the specific needs of the ENERGY STAR Multifamily High Rise program.

The Pilot Program for MROs will allow EPA to evaluate the effectiveness of this review and oversight approach and make modifications, as necessary, before determining if the model should be deployed on a permanent basis. Applicants for recognition should note that EPA may make changes to MRO requirements based on its ongoing evaluation during the Pilot. Organizations that have been previously recognized by EPA will be given a period of no less than 180 days to implement any policies or procedures needed to comply with the new requirements.

### **RECOGNITION REQUIREMENTS**

EPA's recognition of an MRO is contingent upon the organization submitting an application that demonstrates that it meets established eligibility criteria and can satisfactorily fulfill all required roles and responsibilities.<sup>1</sup> Once recognized, the organization must continue to abide by all program requirements to maintain their recognition.

---

<sup>1</sup> Organizations may team together to submit a joint application and/or an organization's application can specify the use of outside subcontractors to perform some of the roles and responsibilities required of MROs. Collectively,

EPA's recognition of MROs relates solely and specifically to the ENERGY STAR Multifamily High Rise program and does not authorize the organization to implement or participate in other programs (ENERGY STAR or otherwise). Further, organizations that are recognized by EPA as an MRO should not imply that they are ENERGY STAR partners.

Note that MROs are expected to operate as market-based initiatives and EPA provides no funds to organizations to develop or maintain their oversight programs. MROs may choose to implement a participation fee structure or seek funding from other sources to support their programs.

## **ELIGIBILITY CRITERIA**

### **1) Demonstration of ability to operate impartially**

MROs must demonstrate that they are organized and operated to preserve the objectivity of their activities, maintaining a system or process to safeguard impartiality.

Organizations seeking recognition must demonstrate to EPA that they:

- Maintain policies to ensure that potential conflict of interest issues are identified and avoided;
- Maintain an open participation policy related to submitter qualifications;
- Maintain impartiality in the project approval process;
- Maintain impartiality in the internal oversight of reviewers; and
- Establish an impartial conflict resolution process.

Further, organizations that are recognized as MROs may not be directly involved in submitting Multifamily High Rise projects to earn the ENERGY STAR. This includes performing the testing, inspecting, modeling, or consulting for projects pursuing ENERGY STAR Multifamily High Rise certification.

### **2) Scope of Operations**

In other residential sectors where EPA has established comparable oversight organization constructs to the MRO, maintaining a national scope of operations is required (except in unique geographic or code-based circumstances). However, during the pilot phase of the MRO approach, EPA will consider applications for recognition from organizations that operate at a local, state, regional, or national level. Note that EPA may revisit this policy as the pilot progresses and more information is available.

---

the organizations identified in the application must demonstrate that they can perform all of the MRO roles and responsibilities. In cases where a team application is submitted, a lead organization must be identified that meets the all of the core Eligibility Criteria and is responsible for ensuring the team operates in accordance with MRO requirements.

## **ROLES AND RESPONSIBILITIES**

Organizations seeking recognition must submit an application satisfactorily demonstrating the ability to fulfill all required roles and responsibilities, including:

- Establish submitter qualifications
- Perform documentation review
- Develop and maintain project reviewer qualifications
- Develop and implement a quality assurance process for the review process
- Develop a process for and perform on-site quality assurance of ENERGY STAR Multifamily High Rise projects
- Develop and implement a dispute resolution process
- Develop and implement a process to send ENERGY STAR standard communications to submitters and developers
- Maintain project files and records
- Participate in pilot program meetings and communications with ENERGY STAR Multifamily High Rise staff

## **TERMINATION**

If, after recognition, EPA determines that a MFHR Review Organization is not adequately meeting its required roles or responsibilities or is not acting in good faith to maintain consumer and industry confidence in the ENERGY STAR program, EPA will provide the MRO with written notification and allow a period of 30 days to resolve identified issues and provide EPA with a written response summarizing the changes made. If the organization fails to meet this requirement, EPA will suspend or rescind recognition.

## **APPLICATION FOR RECOGNITION: MFHR Review Organizations**

Completed applications for recognition should be submitted to EPA at: [mfhr@energystar.gov](mailto:mfhr@energystar.gov)

EPA will confirm receipt of applications received within 5 business days and notify the applicant regarding EPA's determination on the application within 20 business days. EPA will inform organizations whose applications are not approved of the specific deficiencies identified. Applicants that are not recognized are invited to contact EPA to further discuss their applications and to re-apply based on feedback.

### **PART ONE: General Applicant Information**

Organization Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Primary Contact: \_\_\_\_\_

Primary Contact Telephone #: \_\_\_\_\_

Primary Contact E-mail Address: \_\_\_\_\_

Organization Web Site Address: \_\_\_\_\_

## **PART TWO: Demonstration of Eligibility**

The applicant must attach documentation demonstrating that the organization meets the following criteria for eligibility:

- Maintain policies to ensure that potential conflict of interest issues are identified and avoided;
- Maintain an open participation policy related to submitter qualifications;
- Maintain impartiality in the project approval process;
- Maintain impartiality in the internal oversight of reviewers;
- Establish an impartial conflict resolution process; and
- Not directly involved in submitting Multifamily High Rise projects to earn the ENERGY STAR. This includes performing the testing, inspecting, modeling or consulting for projects pursuing ENERGY STAR Multifamily High Rise certification.

## **PART THREE: Demonstrated Satisfaction of Required Roles and Responsibilities**

The applicant must attach documentation that describes the organization's policies and approach to conducting each of the following activities:

### **1) Submitter Qualifications**

The Submitter is the individual responsible for sending the project paperwork to the MRO and signing off that the information is valid. EPA requires that MROs maintain as part of their submitter qualifications a policy that permits ENERGY STAR Multifamily High Rise documentation for projects to be submitted by any Licensed Professional that meets EPA's current criteria (i.e., a Registered Architect or Professional Engineer).

In addition to permitting submissions from Licensed Professionals that meet EPA's criteria, an MRO may allow individuals with alternative qualifications to submit project documentation, so long as they are a third party and subject to quality assurance and oversight. Note that EPA must approve any alternative qualifications for submitting program documentation in advance of the MRO accepting submittals from individuals with the specified qualifications.

- **Applicant will [ ] or will not [ ] accept project documentation from individuals beyond those that meet EPA's current criteria.**
- **If the applicant will accept documentation from individuals beyond those that meet EPA's current criteria, in an attachment, please provide any relevant information about the**

**qualification being accepted, confirm third party status, and describe the quality assurance and oversight provided.<sup>2</sup>**

## **2) Submittal Documentation**

EPA currently requires that each Multifamily High Rise project seeking to earn ENERGY STAR certification submit the following documentation for review:

- a Project Application;
- a Proposed Design Submittal (PDS) (including the Submittal Validation Form, Testing and Verification file, Performance Path Calculator, and Statement of Energy Design Intent); and
- an As-Built Submittal (ABS) (including the Submittal Validation Form, Testing and Verification file, Performance Path Calculator, and Photo Template<sup>3</sup>)

An MRO may require submitters to provide additional documentation files for a project, at its discretion. Further, MROs have the option to use alternate documentation, templates, or web forms, so long as all of the information that is required in EPA's program documents is collected for a project.<sup>4</sup> If the MRO intends to use alternate documentation, it must demonstrate that it satisfies this requirement in its application.

- **In addition to accepting EPA's ENERGY STAR Multifamily High Rise documentation, the Applicant will [ ] or will not [ ] accept alternate submittal documentation.**
- **If the Applicant will accept alternate documentation, in an attachment, please include the documentation and demonstrate how this documentation will collect the same information currently collected.<sup>5</sup>**

## **3) Documentation Review**

EPA requires that for each project, the MRO must have a formal process in place to review all Project Applications, Proposed Design Submittals (including the Submittal Validation Form, Testing and Verification file, Performance Path Calculator, and Statement of Energy Design Intent), and As-Built Submittals (including the Submittal Validation Form, Testing and Verification file, Performance Path Calculator, and Photo Template) for compliance with the ENERGY STAR program requirements.<sup>6</sup>

---

<sup>2</sup> Applicants may submit additional qualifications for EPA to review at any time during the pilot.

<sup>3</sup> Note that after EPA or an MRO has certified three projects submitted by a Developer or Licensed Professional, EPA does not require submission of a Photo Template for additional projects by that Developer or Licensed Professional. However, the photos must still be collected by the project team and, if requested, submitted to the MRO or EPA. The MRO must honor this waiver for Developers and Licensed Professionals who have previously submitted projects to EPA and met the three project threshold.

<sup>4</sup> Note that an MRO is required to review EPA's ENERGY STAR Multifamily High Rise documentation when submitted for a project, regardless of whether they also have their own templates.

<sup>5</sup> Applicants may submit alternate documentation for EPA to review at any time during the pilot.

<sup>6</sup> MROs have discretion for allowing alternate submittal review protocols for submitters that have demonstrated the ability to consistently meet program requirements in their submittals. Any changes to the current requirement to review all documentation must be submitted and approved by EPA in advance.

For the Project Application, EPA requires that the MRO review the application to ensure the project meets the eligibility requirements.

For the PDS and ABS reviews, this process may include the use of EPA's [Proposed Design Review Template](#) and [As-built Review Template](#) or the MRO can use an alternative process that, at a minimum, reviews the same data points specified in the EPA checklists. In addition, the MRO must review the SEDI to ensure that it meets the EPA requirements for Designed to Earn the ENERGY STAR when applicable. EPA's SEDI checklist is attached in Appendix A.

- **The Applicant will [ ] or will not [ ] utilize an alternative submittal review process or documentation to the EPA checklists.<sup>7</sup>**
- **If the Applicant will use an alternative submittal review process or documentation, in an attachment, please include the documentation or process description and demonstrate how this will ensure the same data points specified in the EPA checklists will be reviewed.**
- **In an attachment, please also specify:**
  - **The Project Application review process**
  - **How many PDS/ABS submittal review iterations will be permitted for each project**
  - **The estimated turn-around time for submittal reviews**

#### **4) Project Reviewer Qualifications**

MROs must develop and employ a process to ensure that project reviewers are trained and qualified to review ENERGY STAR Multifamily High Rise projects. The MRO is responsible for ensuring that all reviewers possess the knowledge, skills, and abilities to effectively review an ENERGY STAR Multifamily High Rise project submission.

- **In an attachment, please describe how the organization will ensure that project reviewers are trained and qualified to review ENERGY STAR Multifamily High Rise projects.**

#### **5) Quality Assurance of Review Process**

MROs must develop and employ an internal quality assurance process to ensure proper oversight of the review process.

- **In an attachment, please describe the organization's internal quality assurance process, including how quality assurance is performed and on what elements of the review process, who is responsible for performing quality assurance, and policies and procedures for addressing deficiencies when they are identified.**

#### **6) On-site Quality Assurance of ENERGY STAR Multifamily High Rise Projects**

---

<sup>7</sup> Applicants may submit alternative processes or documentation for EPA to review at any time during the pilot.

MROs must develop and employ a system for on-site quality<sup>8</sup> assurance, at either pre-drywall or as-built phase, at a frequency of no less than two projects or 1% of all projects with As-Built Submittals<sup>9</sup> received by the MRO every three years, whichever is greater.

At least one of these On-Site Quality Assurance inspections must occur within one year of the first As-Built Submittal being submitted to the MRO. Furthermore, at least one of the inspections every three years must be an as-built inspection. In addition, MROs must have a formal policy that informs project submitters that it reserves the right to perform on-site quality assurance for any project, at its discretion.

On-site quality assurance performed by the MRO must include, but is not limited to, the following:

- 1) For Pre-drywall inspections:<sup>10,11</sup>
    - a. Confirm that all ENERGY STAR prerequisites are installed and inspected.
    - b. Confirm that all visible items on the Testing and Verification Worksheets and Performance Path Calculator are installed as reported.
  - 2) For As-built inspections:<sup>11,12</sup>
    - a. Confirm that all visible ENERGY STAR prerequisites are installed and inspected.
    - b. Confirm that all visible items on the Testing and Verification Worksheets and Performance Path Calculator are installed as reported.
    - c. Re-test and confirm submitter's duct leakage test results.
    - d. Re-test and confirm submitter's compartmentalization test results.
    - e. Re-test and confirm submitter's ventilation flow rates.
- **In an attachment, please describe the organization's on-site quality assurance process, including how the projects are selected for on-site quality assurance, how quality assurance is performed and on what project elements, who is responsible for performing quality assurance, and policies and procedures for addressing deficiencies when they are identified. If applicable, include a sample form the inspectors would use to document the inspection results.**

## 7) Dispute Resolution

---

<sup>8</sup> MROs have the option to use a remote/virtual quality assurance process, so long as all of the verification that is completed in an on-site inspection is able to be completed remotely or through a combination of on-site and remote verification. If the MRO intends to use remote quality assurance, the MRO must describe the process and submit it to EPA for approval.

<sup>9</sup> The rate is based on all projects submitted to the MRO regardless of the specific submitter.

<sup>10</sup> MRO is responsible for verifying all measures that are installed at the time of inspection. The MRO must document whether a measure is not yet installed, or should have been installed and is therefore out of compliance. While it is understood that some measures may not be installed by the time of this visit, the MRO is responsible for ensuring that the pre-drywall visits are scheduled in a way to provide meaningful quality assurance.

<sup>11</sup> For each selected project, verification must occur in at least 10 units.

<sup>12</sup> The MRO is responsible for verifying all measures that are reasonably visible at the time of inspection. It is understood that measures such as insulation levels may not be verified if they are behind drywall. For the performance tests, the MRO may perform the test, observe the original test, or observe a re-test being performed.



MROs must develop and maintain a Dispute Resolution Process that provides a formal framework for addressing issues or disagreements that may arise between the submitter's project team (modeler, licensed professional, developer, etc.) and the MRO's reviewer(s).

- **In an attachment, please provide a detailed description of the organization's Dispute Resolution Process.**

## **8) Communications with Submitters and Developers**

MROs must develop and maintain a system to either deliver ENERGY STAR related communications to submitters or send a notification to EPA to send out the communications.<sup>13</sup> These communications may include, but are not limited to:

- a. Designed to Earn the ENERGY STAR recognition
- b. Certificate of completion
- c. Certification letter
- d. Building Profile kit

- **Applicant acknowledges this requirement. [ ]**

## **9) Data Management**

MROs must maintain all submitted project files related to ENERGY STAR Multifamily High Rise projects certified by their organization for at least 7 years after final certification. The MRO must agree to provide EPA with any and all project files related to any ENERGY STAR Multifamily High Rise project, upon request.

The MRO must also commit to reporting the following information to EPA on a quarterly basis:<sup>14</sup>

- For each submitted project the project name, address, Developer name, Licensed Professional/Submitter name, Developer marketing contact, number of buildings and units per building, square footage, path used, project market sector, code baseline, and status of the project.<sup>15</sup>
- If available, also include: Portfolio Manager ID number (from SEDI), SEDI score, % energy cost savings, project website, and participation in other green building programs.

EPA intends to review the greater of 10% or 5 projects submitted to each MRO in their first year of recognition.<sup>16</sup> EPA also intends to review all onsite quality assurance related files.

- **Applicant acknowledges this requirement. [ ]**

---

<sup>13</sup> If the MRO sends the emails, the MRO will provide drafted letters for EPA review and approval based off of initial text created by EPA. In addition, as requested by EPA, the MRO will revise the communications.

<sup>14</sup> EPA may add or change quarterly reporting requirements during the pilot.

<sup>15</sup> Project status examples include: Project Application approved, Proposed Design Submittal approved/not approved, As-Built Submittal approved/not approved, Withdrawn.

<sup>16</sup> EPA will consider the frequency of QA after the first year based on the results of the initial year. This initial estimate includes projects that may be reviewed but not attain certification.

## **10) Coordination with ENERGY STAR Multifamily High Rise staff**

At a minimum, MROs must actively participate in periodic conference calls or webinars with ENERGY STAR Multifamily High Rise staff to be informed of program updates, provide EPA with information on their successes and challenges, and to help ensure consistency of review and certification activities across the program. These may be in the form of one-on-one communications between an individual MRO and EPA staff, or may include more than one MRO, depending on the subject and EPA's programmatic needs.

In addition, MROs must commit to ensuring that any questions from project teams regarding the ENERGY STAR Multifamily High Rise program are answered accurately and in a timely manner. This may require additional communication with EPA staff beyond the periodic calls and webinars described above.

- **Applicant acknowledges this requirement. [ ]**

## Appendix A – Sample SEDI Review Process

Verify SEDI Submission – Data Entry and Key Details	Y	N	N/A	Entry
The project information entered into the SEDI matches the Project Application information. Review the following information				
1. Project Name				
2. Building Address				
The project information is generated by the SEDI. Verify these details match the submission				
1. Gross Square Footage (note: does NOT include parking)				
2. Residential Square Footage				
3. Commercial Square Footage (if applicable)				
4. Parking Square Footage (note: including this in the SEDI is optional)				
a. Parking Type (Open / Partially Enclosed Garage / Enclosed Garage)				
5. Number of Units				
6. Number of Units in mid-rise, high-rise (all units should be in one category per building)				
7. Number of Bedrooms				
8. Electric Usage				
9. Gas Usage				
10. Other Fuel Usage				
DEES review				
11. Do 1-10 all match and energy use is included?				
12. Is commercial space included in the model? (Note: If the project contains commercial space, this space must be modelled in order to earn DEES)				
13. Is commercial space more than 25% of the GFA?				
a. If yes, is the commercial space separated out into a separate category?				
14. Is ENERGY STAR Design score 75 or higher?				
15. DEES earned? (Are 11,12,13a all yes or N/A?)				